

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**GENE COGGINS,**

**Plaintiff,**

**V.**

**JERRY THROWER and CITY OF  
LANETT, et al.,**

## Defendants.

**Civil Action No.:**

**3:07-cv-1028-WKW**

**MOTION TO DISMISS**

COME NOW the Defendants, Jerry Thrower and City of Lanett, by and through their attorney of record, and respectfully request the Court to dismiss this case. As reasons therefore, the Defendant would state has follows:

1. The Plaintiff's Complaint fails to state a claim upon which relief may be granted.
2. The Plaintiff's Complaint fails to state a time and place, so as the Defendants can determine whether or not the statute of limitations has run or whether or not jurisdiction is proper.
3. The Plaintiff's Complaint fails to state a specific allegation of any conduct that would rise to a cause of action.
4. The Plaintiff has failed to file a statutorily required proof of claim as to the City of Lanett.

Therefore, the Complaint is due to be dismissed.

Respectfully submitted,

/s/ T. Randall Lyons  
T. RANDALL LYONS (LYO006)  
Attorney for Thrower and City of Lanett

OF COUNSEL:

Webster, Henry, Lyons & White, P.C.  
P.O. Box 239  
Montgomery, Alabama 36101  
334-264-9472  
334-264-9599

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date of January 2, 2008, electronically filed the foregoing with the Clerk of the Court using the State of Alabama's electronic filing system which will send notification and a copy of such filing to the following counsel of record:

Gene Coggins  
1436 County Road 299  
Lanett, Alabama 36863

/s/ T. Randall Lyons  
OF COUNSEL